

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DARYL WALLACE,

Plaintiff,

:

Case No. 3:17-cv-183

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

MONTGOMERY COUNTY OHIO/
MONTGOMERY COUNTY BOARD OF
COMMISSIONERS, et al.,

Defendants.

:

RECUSAL ORDER

This action under 42 U.S.C. § 1983 was filed May 24, 2017 (Complaint, ECF No. 1). At the time of filing, the undersigned was designated as the Magistrate Judge to whom the case would be referred if the District Judge ever took that action. No referral was made until January 18, 2019 (ECF No. 53). However, in the meantime the practice of the undersigned has been limited, by agreement with all the Dayton judges, to habeas corpus actions under 28 U.S.C. §§ 2254 and 2255 and *In re Ohio Execution Protocol Litig.*, Case No. 2:11-cv-1016, the set of consolidated cases challenging Ohio's method of execution.

Accordingly, the undersigned hereby RECUSES himself from further judicial involvement with this case and directs the Clerk to reassign it randomly to one of the full-time Magistrate Judges resident at Dayton.

January 18, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge